In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 7358 of 2006
Decided on Nov 06,2006.

Basant Lal --Petitioner

vs.

Deputy Commissioner,Sangrur and others --Respondents.

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'ble Mr.Justice Pritam Pal

Present: Mr.Tejinder Joshi,Advocate,for the petitioner

Mr.P.S.Chhina,Addl.A.G.Punjab.

Mr.Amit Dhawan,Advocate,for respondent No.3.

Jasbir Singh J:(Oral)

Written statement on behalf of respondent Nos. 1 and 2 filed in Court today, is taken on record.

Admittedly, petitioner is a lessee of respondent No.3. A shop was rented out to him on September 01,1986. When he failed to deposit amount of rent, proceedings for ejectment were initiated against him under Sections 4,5 and 7 of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. When he failed to appear, his ejectment was ordered.

When notice of motion was issued, following contention of counsel for the petitioner was noticed by this Court on May 12,2006:-

"Counsel for the petitioner states that the petitioner is ready to pay the entire due towards rent of the shop in dispute along

with reasonable rate of interest. To show his bonafides, counsel states that the petitioner shall bring a draft of amount of Rs. 30,000/- in the name of respondent No.3 on the next date of hearing".

Counsel for respondent No.3 informs this Court that total amount of rent due from the petitioner, comes to Rs. 1,04632/-, up to the month of August,2006.

We feel that if the petitioner is ready to deposit the above-said amount with the Council, it is not necessary to eject him from the demised premises. Rs. 30,000/- have already been paid. Four weeks' time is granted to the petitioner to deposit the remaining amount. Upon his doing so, the orders under challenge, shall be deemed to have been quashed. In the alternative, if the petitioner failed to do so, this writ shall be deemed to have been dismissed.

Counsel for the petitioner states that intially, shop in dispute was rented out to the petitioner @ Rs. 450/- p.m, in the year 1986. However, now the amount is being claimed at enhanced rate, which are not acceptable to the petitioner. After the deposit being made, liberty is granted to the petitioner to agitate his grievance before the Collector and if he succeeds before the Collector and it is held that , he is not liable to pay the rent at enhanced rate, the amount already paid by the petitioner, shall be adjusted towards future rent.

Writ petition stands disposed of accordingly.

(Jasbir Singh)
Judge

Nov 06,2006,
RR

(Pritam Pal)
Judge